

**CITY OF MILPITAS
UNAPPROVED**

PLANNING COMMISSION MINUTES

July 23, 2003

**I.
PLEDGE OF
ALLEGIANCE**

Chair Nitafan called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

**II.
ROLL CALL**

Present: Nitafan, Williams, Galang, Giordano, Hay, Lalwani and Sandhu
Absent: None
Staff: Heyden, Lawson and Rodriguez

**III.
PUBLIC FORUM**

Chair Nitafan invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendize the matter for a future meeting.

Diane McDonough, Executive Board Member, Milpitas Chamber of Commerce, handed out posters for the upcoming Milpitas Art and Wine Festival that will be held on August 16-17, 2003.

**IV.
APPROVAL OF MINUTES
July 9, 2003**

Chair Nitafan called for approval of the minutes of the Planning Commission meeting of July 9, 2003.

Motion to approve the minutes as submitted.

M/S: Lalwani/Williams

AYES: 7

NOES: 0

**V.
ANNOUNCEMENTS**

Tambri Heyden, Planning Manager, introduced Kristina Lawson, Assistant City Attorney, in attendance at the Planning Commission meeting substituting for Kit Faubion, City Attorney, who is on vacation.

Commissioner Lalwani announced that she has been selected as a community leader to discuss the Patriot Act on Wednesday, July 30, 2003, at the Palo Alto Arts Center hosted by the *San Jose Mercury News* and Santa Clara University.

**VI.
PLANNING
COMMISSION CHAIR
SERVICE PLAQUE TO
PAUL HAY**

Chair Nitafan presented a plaque to **Commissioner Hay, former Planning Commission Chair**, for his excellent leadership as Chair from July 1998 to July 2001 and from July 2002 to July 2003.

Commissioner Hay said that it has been an honor to serve with fellow commissioners and serve the City. He said there have been challenges, but it has also been a lot of fun. He looks forward to serving as a Commissioner and also to support new Chair, Dem Nitafan.

RECESS

A short recess was called while refreshments were served in honor of Paul Hay's service as Chair.

Chair Nitafan called the meeting to order at 7:22 p.m.

**VII.
APPROVAL OF
AGENDA**

Chair Nitafan called for approval of the agenda.

Ms. Heyden noted that staff is requesting that Item No. 4 on the agenda (Use Permit No.P-UA2002-28 (P-AD2003-11) Manila-Natori Restaurant, be continued to the September 10, 2003 Planning Commission meeting since staff has just received a new Use Permit application from the applicant since the staff report was prepared.

Commissioner Giordano asked staff if the people in the audience who are interested in the Manila-Natori agenda item are aware of the continuance.

Ms. Heyden said "No", since the decision to recommend continuance was made in the day. However, the applicant requested the continuance.

Motion to approve the agenda with the changes indicated.

M/S: Hay/Sandhu

AYES: 7

NOES: 0

**VIII.
CONSENT CALENDAR
Item Nos. 1, 2, 3 and 4**

Chair Nitafan asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

Ms. Heyden requested that Item No. 4 (Use Permit No.P-UA2002-28 (P-AD2003-11) Manila-Natori Restaurant be added to the consent calendar.

The Commissioners raised no objection and after the hearing voted in favor of this recommendation with approval of the consent calendar.

Chair Nitafan opened the public hearing.

Nathapong Shugan, speaking on behalf of Thai House, 177 W. Calaveras Blvd., and King Crab, 269 W. Calaveras Blvd., relative to agenda Item No. 1, is concerned about Lee's Sandwiches (Use Permit No. P-UP2003-24) opening a new restaurant because of parking and traffic issues that the business might potentially have. He said that given the current situation of the economic downturn, there are problems already and not enough parking during lunchtime. He is concerned that customers will be turned away for faster service and doesn't want to see that problem happening in the neighboring area.

After the Chair's request for staff to comment on the speaker's remarks, Ms. Heyden noted that on page 4 of 10 in the staff report, staff discusses the parking issues and notes the parking study survey that was surveyed during the lunch hour peak parking demand indicates that there are 100 parking spaces available that are not being utilized during lunch. She noted also that those spaces are spread all over the property meaning that customers may not be able to park directly in front of the business they want to patronize.

**Close Public Hearing
Item Nos. 1, 2, 3 and 4**

Motion to close the public hearing on Consent Item Nos. 1 and 2 and continue Item. No. 3 to August 13, 2003 and Item No. 4 to September 10, 2003.

M/S: Hay/Williams

AYES: 7

NOES: 0

Motion to approve the consent calendar on Consent Item Nos. 1, 2, 3 and 4.

***1 USE PERMIT NO. P-UP2003-24:** A request for a new, 40-seat take-out restaurant and bakery (Lee's Sandwiches) without replacing two (2) required parking spaces lost by constructing a garbage enclosure at 275 West Calaveras Boulevard, zoned C2 – General Commercial district (APN 022-25-042) PJ No. 2336. Applicant: Jenny Le Truong. Project Planner: Troy Fujimoto, (408) 586-3287. *(Recommendation: Approval with conditions)*

***2 USE PERMIT NO. P-UP2003-25:** A request to operate a women's weight loss center with circuit training (Curves) in an existing 3,000 square foot tenant space at 487 Los Coches Street, zoned MP - Industrial Park (APN 86-28-032) PJ No. 2337. Applicant: Stacy Vierra. Project Planner: Staci Pereira, (408) 586-3278. *(Recommendation: Approval with conditions)*

***3 USE PERMIT AMENDMENT NO. P-UA2003-4:** A request to amend Use Permit No. 1023 to add live entertainment, extend hours of operation on weekends, and permit serving alcoholic beverages at an existing restaurant (Royal City) located at 90-94 S. Abel Street without adding required parking for these new uses at Abel Plaza, zoned MXD-TOD - Mixed Use with Transit Oriented Development overlay (APN 22-40-045) PJ No. 2316. Applicant: Young Thai (Royal City Restaurant). Project Planner: Staci Pereira, (408) 586-3278. *(Recommendation: Continue to August 13, 2003)*

***4 USE PERMIT NO. P-UA2002-28 (P-AD2003-11):** Expiration of a temporary use permit for karaoke and dancing (live entertainment) in a nightclub/ballroom setting at the Manila-Natori Restaurant at 579 S. Main Street, zoned MXD - Mixed Use district (APN: 086-11-012). Project Planner: Troy Fujimoto, (408) 586-3287. *(Recommendation: Continue to September 10, 2003)*

M/S: Hay/Giordano

AYES: 7

NOES: 0

**IX.
ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:33 p.m. to the next regular meeting of August 13, 2003.

Respectfully Submitted,

Tambri Heyden
Planning Commission
Secretary

Veronica Rodriguez
Recording Secretary